

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2023/0403
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<b>Responsible Officer:</b>	Gareth David
<b>Land to be developed (Address):</b>	Lot 82 DP 23429, 27 Grenfell Avenue NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Modification of Development Consent DA2021/0818 granted for Alterations and additions to a dwelling house including a secondary dwelling and garage
<b>Zoning:</b>	R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Jo-Anne Elizabeth Bennett
<b>Applicant:</b>	Jo-Anne Elizabeth Bennett

<b>Application Lodged:</b>	15/08/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	22/08/2023 to 05/09/2023
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The s4.55(2) modification application seeks to modify Development Application No DA2021/0818 approved for alterations and additions to a dwelling house including a secondary dwelling and garage the following way:

- Re-orientation of proposed garage to face the street and increased width of driveway crossover to facilitate
- New location for entry foyer, laundry and lift and water storage;
- Amended landscape scheme
- Revised location of windows to accommodate changes

The applicant has advised that the propped modifications result from issues with the approved design with Australian Standard compliant vehicle access as follows:

- The gradient of the original driveway to the house is non-compliant.
- The DA consent 2021/0818 requires partial demolition of the existing driveway to provide access to the new secondary dwelling garage, but compliant grades and driveway dimensions are not practically achievable.

## **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

Pittwater Local Environmental Plan 2014 - 5.21 Flood planning

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater 21 Development Control Plan - B3.11 Flood Prone Land

Pittwater 21 Development Control Plan - B6.1 Access driveways and Works on the Public Road Reserve

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - C1.1 Landscaping

Pittwater 21 Development Control Plan - C1.11 Secondary Dwellings and Rural Worker's Dwellings

Pittwater 21 Development Control Plan - D11.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D11.6 Front building line

Pittwater 21 Development Control Plan - D11.9 Building envelope

Pittwater 21 Development Control Plan - D11.10 Landscaped Area - General

## **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 82 DP 23429 , 27 Grenfell Avenue NORTH NARRABEEN NSW 2101
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the south-western side of Grenfell Avenue. The site is located at the end of a cul-de-sac.</p> <p>The site is irregular in shape with a frontage of 11.4m along Grenfell Avenue and a maximum depth of 41.08m. The site has a surveyed area of 663.6m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a one and two storey dwelling to the rear of the site and a single storey studio at the front on the site.</p> <p>The site has a cross-fall of approximately 9.0m from the western (rear) boundary to the eastern (street frontage) boundary.</p> <p>The site contains a number of palms and medium sized vegetation within the front and rear gardens and contains a larger lawn area to the rear.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by one and two storey dwellings of varying architectural styles. Narrabeen Baptist Church is located approximately 100m to the east.</p>

Map:



## SITE HISTORY

- **DA2020/1651** - Development Application for alterations and additions to an existing dwelling including garage and secondary dwelling - Withdrawn 25/02/2021
- **CDC2021/0194** - Complying Development Certificate for alterations and additions to an existing dwelling and construction of retaining walls - Issued 19/02/2021
- **DA2021/0818** (subject of this modification) - Alterations and additions to a dwelling house including a secondary dwelling and garage - Approved 26/08/2021

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2021/0818 in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2021/0818 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The modifications will not change the use of the site,</li> <li>• The modifications will not significantly alter the form of development that was originally approved,</li> <li>• From qualitative and quantitative perspectives, the proposal will not be significantly altered by the proposed</li> </ul>

Section 4.55 (2) - Other Modifications	Comments
	modifications.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2021/0818 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

## Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 (2) the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.



The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to an Arborist Report.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of</p>

Section 4.15 'Matters for Consideration'	Comments
	Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 22/08/2023 to 05/09/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be</p>

Internal Referral Body	Comments
	determined at Construction Certificate stage.
Landscape Officer	<p>The application is for modification to development consent DA2021/0818. The proposed modifications are at the garage level and propose a street facing garage and retention of the existing driveway.</p> <p>Following from the initial Landscape Referral Response requesting additional information, a Arboricultural Impact Assessment (AIA) report is submitted to address the impact to existing trees with 5 metres of the proposed modification works consisting of two trees within the road reserve to determine the impact of the proposed Garage, paving and extension of the driveway crossover upon the trees. A tree root investigation has been undertaken.</p> <p>Two minor tree roots were identified in the tree root investigation and it is determined that the impact is minor and that the proposed modification works are unlikely to impact upon existing trees.</p> <p>The recommendations of the AIA report for a Project Arborist shall be added to the conditions of consent under this modification application. Development consent landscape related conditions 9, 12, 22, 23, 30, 32, and 36 remain.</p>
NECC (Bushland and Biodiversity)	<p>The application seeks consent to modify development consent DA2021/0818.</p> <p>The Landscape Plan (Bennett Maruda Architects 2023) identified that two exotic <i>Yucca aloifolia</i> will be removed as a result of the works. Biodiversity raise no objections to the removal of these plants.</p> <p>Retention of the two <i>Syzygium smithii</i> is noted on the Landscape Plan. Council's Landscape referrals team have identified the requirement for an Arborist report for sensitive tree root investigation to determine if the proposed driveway alignment is viable for the retention of the street trees and/or the proposed methodology for driveway construction to preserve the street trees. Should these trees require removal, they are to be replaced with suitable native canopy species in accordance with Council's Native Planting Guide which is available on Council's website (<a href="https://www.northernbeaches.nsw.gov.au/environment/native-plants/native-planting-guide/pittwater-ward">https://www.northernbeaches.nsw.gov.au/environment/native-plants/native-planting-guide/pittwater-ward</a>).</p> <p>As the application will not involve the removal of prescribed trees, nor will it impact upon nearby biodiversity values, the modification application complies with relevant provisions, subject to conditions.</p>
NECC (Development Engineering)	<p><b>Assessment 1 - 28/02/23:</b></p> <p>The applicant proposes "Modification of Development Consent DA2021/0818 granted for Alterations and additions to a dwelling house including a secondary dwelling and garage"</p>



Internal Referral Body	Comments
	<p><b>Access:</b>  There is an existing approval for a secondary garage, forward of the building line and perpendicular to the frontage.  The applicant is proposing for the approved secondary garage to face the street.  The proposed garage level of RL4.7 is acceptable.  Proposed driveway levels to generally follow Council's Extra High Standard Profile.  Pouring a slab next to the existing driveway would not be supported. The existing driveway would need to be removed and constructed to councils specifications.  Note that there is a council pipe that runs under the driveway. Sufficient clearance is required over the pipeline.  Refer to Council's Landscape Referral Response regarding the proximity to the existing street tree.  Access is supported subject to a driveway levels and formwork inspection application.</p> <p><b>Stormwater:</b>  The site has been identified as a Medium Risk for Flood.  The site is located towards the bottom of the catchment.  As such, no OSD is required.  An updated Stormwater Plan would be required to reflect the amended garage.</p> <p><b>Geotech:</b>  Requesting a letter/statement from Douglas Partners to confirm the new plans have been reviewed and the Geotechnical Report submitted with DA2021/0818 still meets an acceptable risk.</p> <p>As such, development engineering cannot support the application due to insufficient evidence to address Appendix 5 of P21 DCP</p> <p><b>Assessment 2 - 10/11/23:</b>  <b>Stormwater:</b>  An amended stormwater plan has not been provided to reflect the amended garage. This can be conditioned.  Council's records indicate that there is a Council stormwater pipeline under the existing driveway.  The driveway will need to be reconstructed and there is risk that council's stormwater asset will be damaged.  The pipe shall be accurately located and longitudinal sections be provided with the street level application.  Council has public Planning Maps online with stormwater information as a reference for detailed  stormwater investigations, available under the "Stormwater" overlay map  (<a href="https://services.northernbeaches.nsw.gov.au/icongis/index.html">https://services.northernbeaches.nsw.gov.au/icongis/index.html</a>).  To demonstrate compliance with Northern Beaches Council's Water Management for Development policy, the following details are to be submitted prior to obtaining a CC</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>Accurately locate, confirm dimensions including depth and plot to scale Council's public drainage system and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor. (Evidence of methodology used for locating stormwater system should be provided)</li> </ul> <p>Geotech: A geotech letter has been provided by Douglas Partners, which confirms no changes are required to the original report dated 3 June 2021.</p> <p>As such, Development Engineering supports the application subject to the additional conditions. The original development engineering conditions as part of DA2021/0818 shall still remain.</p>
NECC (Flooding)	<p>The proposed modification relates to the alterations and additions to a dwelling house including a secondary dwelling and garage. The front of the property is affected by the Low Flood Risk Precinct but none of the property is affected by the Flood Planning Area. There are no flood related development controls from Section B3.11 of the Pittwater DCP.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1407772S Dated 18

July 2023).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

## SEPP (Housing) 2021

### Part 1 – Secondary Dwellings

<b>Clause 52 – Development may be carried out with consent</b>	
<b>Standard</b>	<b>Compliance/Comment</b>
<p>(2) Development consent must not be granted for development to which this Part applies unless—</p> <p>a) No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and</p> <p>b) The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and</p> <p>c) The total floor area of the secondary dwelling is:</p> <ul style="list-style-type: none"> <li>i) no more than 60m<sup>2</sup>, or</li> <li>ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument - the greater floor area.</li> </ul>	<p>a) The subject site has one dwelling which has recently been under construction for "Alterations and Additions to an existing Dwelling" under Complying Development Certificate (Ref: CDC2021/0194). This CDC was solely for alterations and additions to the existing dwelling and makes no reference to the provision of a dual occupancy or secondary dwelling development. However, the floor plans of this CDC show the potential for a separately accessible and potentially self contained living areas. As such, in order to maintain compliance with this control, strict conditions were imposed on the original DA consent (DA2021/0818) to ensure that the site is only approved for the use of a dwelling and secondary dwelling. This will remain on the consent. Any future use beyond this or the use of a portion of the principle dwelling as a separately habitable area/additional dwelling would be an illegal land use and subject to compliance action.</p> <p>As such, the development would result in a principal dwelling and a secondary dwelling located on the subject site. The development is consistent with the requirement.</p> <p>b) &amp; c) The total proposed floor area of the secondary dwelling is 59.9sqm. The development is consistent with the requirements of the clause.</p>

<b>Clause 53 – Non-discretionary development standards—the Act, s 4.15</b>	
<b>Standard</b>	<b>Compliance/Comment</b>
a) For a detached secondary dwelling - a minimum site area of 450m <sup>2</sup> .	The secondary dwelling is detached from the principal dwelling and has a site area of 663.6m <sup>2</sup> .
b) The number of parking spaces provided on the site is the same as the number of parking spaces	Two parking spaces are available onsite. Sufficient parking has been provided.

provided on the site immediately before the development is carried out.	
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## **SEPP (Transport and Infrastructure) 2021**

### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

### Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

## **SEPP (Resilience and Hazards) 2021**

### Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

### **Division 3 Coastal environment area**

#### **2.10 Development on land within the coastal environment area**

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - b) coastal environmental values and natural coastal processes,
  - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
  - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a

- disability,
- f) Aboriginal cultural heritage, practices and places,
- g) the use of the surf zone.

Comment:

The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. The proposed works do not discourage public access or amenity along the foreshore area nor impact on natural foreshore processes.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
  - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Council is satisfied the proposed works are designed, and can be managed, to avoid adverse impacts based upon the matters identified in this clause.

## **Division 4 Coastal use area**

### **2.11 Development on land within the coastal use area**

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
  - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - i) existing, safe access to and along the foreshore, beach, headland or rock
    - ii) platform for members of the public, including persons with a disability,
    - iii) overshadowing, wind funnelling and the loss of views from public places to
    - iv) foreshores,
    - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
  - b) is satisfied that:
    - i) the development is designed, sited and will be managed to avoid an
    - ii) adverse impact referred to in paragraph (a), or
    - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposal does not impact upon the existing and safe access to and along the foreshore. The visual amenity from private and public space will not be adversely effected and the surrounding area

consists of examples of similar developments.

The proposed works are not likely to cause an adverse impact upon the matters identified in this clause. A condition of consent has been placed to stop works and report the findings to the AHO if any Aboriginal Engravings or Relics are unearthed.

## Division 5 General

### 2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

#### Comment:

Council is satisfied that the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

## Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

## **Pittwater Local Environmental Plan 2014**

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

#### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.0m	6.0m	N/A	Yes
Secondary Dwelling Floor Area	60sqm	59.85sqm	59.9sqm	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.21 Flood planning	Yes



Clause	Compliance with Requirements
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

## Detailed Assessment

### **5.21 Flood planning**

The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval. Therefore, Council is satisfied that the development is compatible with the flood hazard of the land.

### **7.2 Earthworks**

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

*(b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

*(c) the quality of the fill or the soil to be excavated, or both*

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

*(e) the source of any fill material and the destination of any excavated material*

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

*(f) the likelihood of disturbing relics*

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area*

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

*(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **7.6 Biodiversity protection**

Before determining a development application for development on land to which this clause applies, this clause requires the consent authority to consider:

*(a) whether the development is likely to have:*

*(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

*(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

*(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

*(iv) any adverse impact on the habitat elements providing connectivity on the land, and*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. Council is also satisfied that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

*(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the proposal includes appropriate measures to avoid, minimise, or mitigate the impacts of the development.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the development is designed, sited and will be managed to any significant adverse environmental impact.

## **7.7 Geotechnical hazards**

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The proposed development is supported by a geotechnical risk assessment, that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment:

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

- (b) the consent authority is satisfied that:*

- (i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or*
- (ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be*

managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.

Comment:

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. As such, Council can be satisfied that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	1.2m (Garage) 4.1m (Terrace/balcony) 5.4m (Secondary dwelling)	1.2m (Garage) 4.1m (Terrace/balcony) 5.4m (Secondary dwelling)	<b>No</b> (footprint unaltered)
Rear building line	6.5m	13m	unaltered	Yes
Side building line	2.5m (N)	5.5m	unaltered	Yes
	1m (S)	1.3m	unaltered	Yes
Building envelope	3.5m (N)	Within envelope	unaltered	Yes
	3.5m (S)	Outside envelope	unaltered	<b>No</b> (unaltered)
Landscaped area	50% (331.8sqm)	40.9% (272sqm)	39.3% (261sqm)	<b>No</b>

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	No	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	No	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D11.1 Character as viewed from a public place	No	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.3 Building colours and materials	Yes	Yes
D11.6 Front building line	No	Yes
D11.7 Side and rear building line	Yes	Yes
D11.9 Building envelope	No	Yes
D11.10 Landscaped Area - General	No	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

#### Detailed Assessment

#### **B3.11 Flood Prone Land**

The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development is compatible with the flood hazard of the land.

#### **B6.1 Access driveways and Works on the Public Road Reserve**

The proposed access driveway arrangement has been reviewed by Council's Development Engineer who has raised no objections.

### **B6.3 Off-Street Vehicle Parking Requirements**

Two (2) off-street parking spaces will be retained inline with the original DA approval.

### **C1.1 Landscaping**

Please refer to the referral comments prepared by Council's Landscape Officer. Subject to recommended condition the proposal is considered to meet the objectives of this control.

### **C1.11 Secondary Dwellings and Rural Worker's Dwellings**

Clause C1.11 of the P21DCP stipulates that secondary dwellings shall be single storey and shall not be above a detached garage. The proposed secondary dwelling is predominantly single storey and has been designed to be stepped back from the front boundary (and garage facade) to primarily be behind the proposed garage. While the re-orientation of the proposed garage would result in the secondary dwelling being partially above this garage, the general form and footprint remains consistent with the original DA approval and the modification remains consistent with the intended outcomes of the original assessment within DA2021/0818 as follows:

#### Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying Objectives of the Control as follows:

- *Limitation of the visual bulk and scale of development.*

#### Comment:

The proposed development is compliant with the maximum height development standard and provides a design that is consistent with the existing dwelling on site and surrounding developments within the locality. The siting and design of the secondary dwelling, directly adjacent to the principle dwelling and 5.5m - 7.3m from the front boundary, creates a unified built form which appears to step with the topography of the land when viewed from the street and surrounding properties. The secondary dwelling has also been appropriately modulated and articulated and incorporates a balcony and green roof thereby reducing the perceived bulk and scale of the structure. Additionally, the proposed structure would be replacing an existing structure in a similar location. As such, it is considered that the visual bulk and scale of the proposal is suitable in the context of the subject site.

- *Provision of design flexibility for second storey development.*

#### Comment:

The proposed development provides a design that is effectively integrated into the slope of the land. As demonstrated throughout the assessment report, the proposed works do not result in any unreasonable amenity or environmental impacts to the subject site or adjacent sites. As such, the proposal demonstrates adequate flexibility to allow for a second storey.

- *Restriction of the footprint of development site.*

#### Comment:



The proposed siting of both the garage and the secondary dwelling is supported in this instance, as the location would replace an existing structure in a similar location and would not result in significant excavation or environmental impact.

- *Retention of natural vegetation and facilitation planting of additional landscaping.*

Comment:

The proposed siting of both the garage and the secondary dwelling would be located in a primarily in a already disturbed area of the site. The application has been reviewed by Council's Bushland and Biodiversity Officer who has raised no objection to the proposal.

- *Provision of rental accommodation.*

Comment:

The secondary dwelling could potentially be used for rental accommodation.

In order to maintain compliance with this control, strict conditions were imposed on the original DA to ensure that the site is only approved for the use of a dwelling and secondary dwelling. This will be retained on any consent. Any future use beyond this or the use of a portion of the principle dwelling as a separately habitable area/additional dwelling would be an illegal land use and subject to compliance action.

### **D11.1 Character as viewed from a public place**

The proposed modification retains the approved footprint and location of the garage within the front setback . However, the proposed modification will change the configuration of the approved garage to face the street and locate the entry within the front setback area. The proposed upper floor "granny flat" will retain the approved front setback. Overall, the modification remains consistent with the intended outcomes of the original assessment, as follows:

The proposed garage would be forward of the principle dwelling and will appear as a dominant site feature when viewed from a public place and therefore does not comply with the requirements of the control. Council may consider a variation for parking spaces in front of building where site constraints limit location. The site is considered to be constrained in this case due to the topography of the site and the positioning of the existing dwelling house. Furthermore, the proposed garage would be replacing an existing structure, in the same location within the front setback. Overall, the breach of the control can be considered acceptable on merit for the following reasons:

- The proposed garage would replace an existing structure in the same location.
- The proposed garage would also have a "green" vegetated roof which would minimise the visual impact of the proposal.
- The parking structure would not unreasonably impact on the amenity, views, visual privacy or solar access of the adjoining dwellings

- The proposed development is compliant with height development standard and provides a design that is consistent with the existing dwelling on site.
- The location of the proposed garage does not necessitate the removal of native trees or vegetation or excessive site disturbance.
- Existing street trees will be retained to mitigate the visual impact of the garage.
- The garage door opening will be minimal in width

Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

### **D11.6 Front building line**

The proposed modification retains the approved footprint and front setback. The proposed modification will change the configuration of the approved garage to face the street and locate the entry within the front setback area. The proposed upper floor "granny flat" will retain the approved front setback. Overall, the modification remains consistent with the intended outcomes of the original assessment, as follows:

#### Merit consideration:

With regards to the consideration for a variation, the development is considered against the underlying objectives of the Control as follows:

- *Achieve the desired future character of the Locality.*

#### Comment:

The proposal aligns with the desired future character of the North Narrabeen locality, as the development maintains a low-density residential nature.

- *Equitable preservation of views and vistas to and/or from public/private places.*

#### Comment:

The proposed development does not result in any unreasonable view loss to, from or between public or private places.

- *The amenity of residential development adjoining a main road is maintained.*

#### Comment:

Not applicable, as the subject site does not adjoin a main road.

- *Vegetation is retained and enhanced to visually reduce the built form.*

#### Comment:

The proposed garage and secondary dwelling development is primarily located in an already modified part of the site and does not require the removal of significant vegetation. The modification is supported by an Arborist report which determines that the proposed works will not impact upon two trees within the road reserve. The application is supported by a landscape plan, which demonstrates an enhancement of vegetation and landscaping soften the resultant built form.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

The proposed garage parking space does not allow for vehicle manoeuvring in the forward direction. However, the proposed driveway has been assessed by Council's Development Engineer who raised no concern in this regard.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment:

The proposed garage and secondary dwelling achieves compliance with the maximum building height prescribed in the PLEP 2014 and the side and rear setbacks. Furthermore, the retention of existing vegetation, in conjunction with the general compliance with other built form controls, allows the proposed development to achieve a bulk and scale that is reduced and is compatible with the existing streetscape. Overall, it is considered the development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

The proposed development is compliant with the maximum height development standard and provides a design that is consistent with the existing dwelling on site. The siting and design of the garage and secondary dwelling, creates a unified built form which appears to step with the topography of the land when viewed from the street and surrounding properties. The development has also been appropriately modulated and articulated and incorporates a balcony and green roof thereby reducing the perceived bulk and scale of the structure. Additionally, the proposed structure would be replacing an existing structure in a similar location. As such, it is considered that the visual bulk and scale of the proposal is suitable in the context of the subject site. The proposal will have minimal impact on pedestrian amenity.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

Comment:

The proposed development would result in a setback that is similar in nature to what is existing - that is, being predominantly within the existing building footprint. As such, the proposal reinforces and sensitively relates to the existing spatial characteristics of the existing urban environment, resulting in minimal amenity impacts to adjoining properties.

Having regard to the above assessment it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

### **D11.9 Building envelope**

The proposed modification does not alter the approved building envelope non-compliance. As such, the modification remains consistent with the intended outcomes of the original assessment and is supported on merit.

### **D11.10 Landscaped Area - General**

#### Description of non-compliance

The control requires a minimum of 50% (331.8sqm) of the site area to be landscaped area. The proposed modification provides 39.3% (261sqm) landscaped area. This is a minor decrease from the previously approved landscaped area of 40.9% (272sqm).

Provided the outcomes of the control can be achieved, a variation may be permitted which allows pathways (and the like) of 1m width or less, and 6% of the total site to be included in the overall landscaped proportion of the site. With the variations applied, the proposed landscaped area is increased to (45.3%).

The reduction in landscaped area associated with this modification results from the reorientation of the garage to face the street and resultant new driveway to accommodate this change. The applicant has advised that the design of the approved design has highlighted issues with Australian Standard compliant vehicle access as the grades and driveway dimensions were not practically achievable.

#### Merit consideration

Council may consider these variations where it can be demonstrated that the outcomes of the Clause can be achieved. The outcomes are achieved in the following ways:

- *Achieve the desired future character of the Locality.*

#### Comment

The proposed development is consistent with the desired future character of the North Narrabeen Locality.

- *The bulk and scale of the built form is minimised.*

#### Comment

The proposed development is compliant with the maximum height development standard has been appropriately modulated and articulated and incorporates a balcony and green roof thereby reducing the perceived bulk and scale of the structure. Furthermore, the application proposes to maintain areas of landscaping within the front and side setback to screen the built form. Additionally, the proposed structure would be replacing an existing structure in a similar location. As such, it is considered that the visual bulk and scale of the proposal is suitable in the context of the subject site.

- *A reasonable level of amenity and solar access is provided and maintained.*

Comment

A reasonable level of privacy, amenity and solar access is maintained by the residents of the subject site and the adjoining dwellings.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment

The proposed garage and secondary dwelling development is primarily located in an already modified part of the site and does not require the removal of significant vegetation. The modification is supported by an Arborist report which determines that the proposed works will not impact upon two trees within the road reserve. The application is supported by a landscape plan, which demonstrates an enhancement of vegetation and landscaping soften the resultant built form. The application has been reviewed by Council's Bushland and Biodiversity officer and Landscape Officer who have raised no objection to the proposal subject to recommended conditions.

- *Conservation of natural vegetation and biodiversity.*

Comment

No significant vegetation or wildlife species will adversely be affected by the proposed works. The application has been reviewed by Council's Bushland and Biodiversity officer and Landscape Officer who have raised no objection to the proposal subject to recommended conditions.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections subject to conditions included in the recommendation of this report. It is considered the site contains a reasonable amount of pervious surface which will contribute to the prevention of soil erosion and siltation of natural drainage channels.

- *To preserve and enhance the rural and bushland character of the area.*

Comment

The bushland character of the area will be maintained as no significant vegetation is required to be removed as a result of the proposed development.

- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

Comment

Sufficient pervious surfacing is provided on-site which will enable the infiltration of water to the water table, whilst minimising run-off and assisting with stormwater management.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21 DCP and the objectives specified in s1.3 of the Environmental

Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

Section 7.12 contributions were levied on the Development Application.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.



## RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0403 for Modification of Development Consent DA2021/0818 granted for Alterations and additions to a dwelling house including a secondary dwelling and garage on land at Lot 82 DP 23429,27 Grenfell Avenue, NORTH NARRABEEN, subject to the conditions printed below:

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-352855 Mod2023/0403	The date of this notice of determination	<ul style="list-style-type: none"> <li>Add Condition No.1A (Modification of Consent - Approved Plans and supporting Documentation)</li> <li>Add Condition 2A (Compliance with Other Department, Authority or Service Requirements)</li> <li>Add Condition 8A (Construction, Excavation and Associated Works Security Bond(s))</li> <li>Add Condition 19A (Vehicle Crossings Application)</li> <li>Add Condition 19B (Pre-Construction Stormwater Assets Dilapidation Report)</li> <li>Add Condition No.21A (Project Arborist)</li> <li>Add Condition 35A (Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets))</li> </ul>

### Modified conditions

#### **A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA_03	B	DEMOLITION AND EXCAVATION PLAN	Bennett Murada Architects	19/07/2023

DA_04	B	PROPOSED GARAGE PLAN	Bennett Murada Architects	19/07/2023
DA_05	B	PROPOSED GRANNY FLAT PLAN	Bennett Murada Architects	19/07/2023
DA_06	B	PROPOSED ROOF PLAN	Bennett Murada Architects	19/07/2023
DA_10	B	EAST ELEVATION + MATERIAL PALETTE	Bennett Murada Architects	19/07/2023
DA_11	B	NORTH ELEVATION	Bennett Murada Architects	19/07/2023
DA_12	B	SOUTH ELEVATION	Bennett Murada Architects	19/07/2023
DA_20	B	LONG SECTION A-A	Bennett Murada Architects	19/07/2023
DA_21	B	CROSS SECTION B-B	Bennett Murada Architects	19/07/2023
L_01	B	LANDSCAPE PLAN - GARAGE LEVEL	Bennett Murada Architects	12/07/2023
L_02	B	LANDSCAPE PLAN - GREEN ROOF	Bennett Murada Architects	12/07/2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate (1407772S)		Bennett Murada Architects	18/07/2023
Arboricultural Impact Assessment		Bradshaw Consulting Arborists (Tristan Bradshaw)	25/10/2023
Geotechnical Assessment Letter	R.001.Rev1	Douglas Partners Pty Ltd	26/10/2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**B. Add Condition 2A (Compliance with Other Department, Authority or Service Requirements) to read as follows:**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the Ausgrid referral received 17/08/2023.

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

**C. Add Condition 8A (Construction, Excavation and Associated Works Security Bond(s)) to read as follows:**

The applicant is to lodge a bond with Council for the following:

**Drainage Bond**

As security against any damage to Council's stormwater drainage infrastructure as part of this consent a bond of \$4,000.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

**D. Add Condition 19A (Vehicle Crossings Application) to read as follows:**

The Applicant is to submit an application with Council for driveway levels to construct a vehicle crossing 4 metres wide at the layback and 6.5 metres wide at the boundary in accordance with Northern Beaches Council Standard Drawing Extra High in accordance with Section 138 of the Roads Act 1993.

The following additional information shall be submitted with the driveway application

1. Pipe locating survey to accurately locate, confirm dimensions including depth and plot to scale Council's public drainage system and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor.
2. The survey shall be overlaid onto the plan view of the architectural drawings and also on the longitudinal sections of the driveway profile to demonstrate compliance with minimum vertical and horizontal clearances.
3. In relation to the street trees, demonstrate compliance with the recommendations of the AIA report for a Project Arborist and Development consent landscape related conditions 9, 12, 22, 23, 30, 32, and 36.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

**E. Add Condition 19B (Pre-Construction Stormwater Assets Dilapidation Report) to read as follows:**

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a

Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:  
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/generalinformation/engineeringspecifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

Survey plan should be provided with details the exact location and depth.

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

**F. Add Condition 21A (Project Arborist) to read as follows:**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment dated 25th October 2023.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

a) section 5 and 6.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s).

Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

**G. Add Condition 35A (Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)) to read as follows:**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineeringspecifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of

any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Gareth David, Principal Planner**

The application is determined on 18/12/2023, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**